

1 Julie A. Mersch, Esq.
2 Nevada Bar No. 004695
3 LAW OFFICE OF JULIE A. MERSCH
4 701 S.7th Street
5 Las Vegas, NV 89101
6 (702) 387-5868
7 Fax (702) 387-0109
8 jam@merschlaw.com
9 Attorney for Plaintiff Paul Specia

10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

| | | |
|---|---|--|
| 12 PAUL SPECA, |) | CASE NO.: 2:18-cv-00835-MMD-GWF |
| |) | |
| 13 Plaintiff, |) | |
| |) | |
| 14 vs. |) | <u>STIPULATION AND ORDER TO</u> |
| |) | <u>EXTEND DEADLINES</u> |
| 15 AETNA LIFE INSURANCE COMPANY, |) | (FIRST REQUEST) |
| as Claims Administrator for The Home |) | |
| 16 Depot, U.S.A., Inc. Temporary Disability |) | |
| 17 Income Plan; THE HOME DEPOT, USA, |) | |
| 18 INC., Temporary Disability Income Plan, |) | |
| |) | |
| 19 Defendants. |) | |

20 IT IS HEREBY STIPULATED by the parties hereto, by and through their
21 undersigned counsel of record that, pursuant to LR 26-4, the Scheduling Order (Doc. # 15) be
22 amended as follows:

23 **I. Discovery Completed**

24 The Joint Administrative Record in this ERISA claim was filed with this Court by
25 Defendant AETNA LIFE INSURANCE COMPANY (AETNA) on November 16, 2018
26 without the need for discovery briefs.

II. Deadlines Remaining and Reason for Request for Extension

Plaintiff's Rule 52 and/or Rule 56 Motion is currently due by December 7, 2018. The parties are in the process of discussing alternative dispute options and accordingly, would like to postpone the dispositive motion due date to allow them time to pursue those options.

1 **III. Proposed Briefing Schedule**

2 Plaintiff SPECA and Defendant AETNA hereby agree and stipulate to the following
3 proposed deadline extensions:

| 4 <u>Description:</u> | <u>Current Deadline:</u> | <u>Proposed:</u> |
|---|--------------------------|------------------|
| 5 Plaintiff's Dispositive ERISA Motion 6 under Rule 52 and/or 56 | 12/07/18 | 01/07/19 |
| 7 Aetna's Response to Dispositive 8 Motion | 01/04/19 | 02/04/19 |
| 9 Plaintiff's Reply | 01/18/19 | 02/19/19 |

10 We, the undersigned, represent to the Court that this request for extension is made in
11 good faith and not for purposes of delay.

12 WHEREFORE, the parties jointly request that this Court adopt the proposed
13 scheduling deadlines as indicated above.

14 DATED: November 28, 2018 LAW OFFICE OF JULIE A. MERSCH

15 By: /s/ Julie A. Mersch
16 JULIE A. MERSCH, ESQ.
17 jam@merschlaw.com
18 Nevada Bar No.: 004695
19 701 S. 7th Street
20 Las Vegas, NV 89101
21 *Attorney for Plaintiff Paul Speca*

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DATED: November 28, 2018

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

By: /s/ Kristina N. Holmstrom
KRISTINA N. HOLMSTROM, ESQ.
kristina.holmstrom@ogletree.com
Nevada Bar No. 010086
Esplanade Center III, Suite 800
2415 East Camelback Road
Phoenix, AZ 85016
Attorneys for Defendant AETNA

IT IS SO ORDERED:

Dated this 29th day of November, 2018.


UNITED STATES MAGISTRATE JUDGE